

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAGNOLIA ISLAND PLANTATION,
L.L.C.; AND BARBARA MARIE CAREY
LOLLAR

CIVIL ACTION NO. 5:18-CV-1526

DISTRICT JUDGE: ELIZABETH E. FOOTE

V.

MAGISTRATE JUDGE: KAREN L. HAYES

LUCKY FAMILY, L.L.C., ET AL.

JURY TRIAL DEMANDED

**W.A. LUCKY, III'S ANSWERS TO PLAINTIFFS' INTERROGATORIES
AND RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION**

NOW COMES, through undersigned counsel, W.A. Lucky, III who responds to the requests for admission propounded by Barbara Marie Carey Lollar (Mrs. Lollar"), as follows:

Interrogatory No. 1:

Identify and describe all communications between you, including your representatives or legal counsel, or any one of them, and Lucky Family, including its manager, other members, representatives, or legal counsel, or any one of them, which occurred after November 3, 2017, and which relate, refer, or pertain to Lucky I, Lucky II, the Note, the Sheriff Sale, and/or the Property, including the identification of when, and with whom such communications occurred, as well as identifying any documents reflecting such communications.

Answer to Interrogatory No. 1:

W.A. Lucky, III objects to this interrogatory as follows:

Communications between W.A. Lucky, III, representatives or legal counsel, on the one hand, and Lucky Family, L.L.C., including its manager, other members, representatives, or legal counsel, on the other hand which occurred after November 3, 2017, and which

(2) Between the lawyer and a representative of the lawyer.

(3) By the client or his lawyer, or a representative of either, to a lawyer, or representative of a lawyer, *who represents another party concerning a matter of common interest.*

(4) Between representatives of the client or between the client and a representative of the client.

(5) Among lawyers and their representatives representing the same client.

(6) Between representatives of the client's lawyer.

Communications that are not subject to the foregoing privileges are contained in the documents that are produced herewith and which are designated in answer to this interrogatory.

Interrogatory No. 2:

Identify and describe any communications between you, including your representatives or legal counsel, or any one of them, and the Sheriff, including his representatives, staff or legal counsel, or any one of them, which occurred after November 3, 2017, and which relate, refer, or pertain to Lucky I, Lucky II, the Note, the Sheriff Sale, and/or the Property, including the identification of when, and with whom such communications occurred, as well as identifying any documents reflecting such communications.

Answer to Interrogatory No. 2:

October 22, 2018, Kimberly Flournoy sent Curtis R. Shelton an e-mail reading: "Thank you so much for your help in everything. I apologize for being so needy, this suit has been a learning experience for me. Have a great day!"

October 22, 2018, Kimberly Flournoy sent Curtis R. Shelton an e-mail reading: "Mr. Shelton, would you please ask Mr. Lacour to get me an invoice ASAP so I can build it into my suit cost? Thank and have a great day!"

October 22, 2018, Curtis R. Shelton sent Kimberly Flournoy an e-mail reading: "Kim, He said he will send an invoice tomorrow."

October 16, 2018, Kimberly Flournoy sent Curtis R. Shelton an e-mail reading: "Mr. Shelton, the Sheriff has signed your paperwork for the above referenced suit. Please advise when you would like to come by and pick up. Thanks, Kim."

October 16, 2018, Kimberly Flournoy sent Curtis R. Shelton an e-mail reading: "Mr. Shelton, we will have to have either s UCC or a mortgage certificate run for the above referenced suit, please advise which name(s) you would like this run in. Thank you!"

October 16, 2018, Curtis R. Shelton sent Kimberly Flournoy an e-mail reading: "I would run a UCC certificate in the names of Barbara Carr and Barbara Lollar."

Curtis R. Shelton had a telephone conference from a person in the Sheriff's office (possibly Ms. Kimberly D. Flournoy) in which the Sheriff's office indicated that it might need for a third appraiser candidate to be identified.

October 12, 2018, Curtis R. Shelton sent Kimberly Flournoy an e-mail reading:

Dear Kim,

I am attaching three things to this message. The first two are a letter that I am mailing today with a Motion for Order Authorizing Reduced Sheriff's Commission. If the Sheriff will negotiate the commission that will be appreciated. I have prepared this in the same way that I usually prepare these for sheriff's sales. If something different needs to be done, please just let me know.

The third things [sic] is an "Ex Parte Motion to Fix Appraisers' Fees." As we have discussed, it will likely not be possible to find someone to do the appraisal of the promissory note for the amount the Sheriff usually pays or even the \$50 that the statute authorizes without court approval. So, I have

prepared this motion so that approval could be obtained for up to \$225 per hour. That is the amount the seizing creditor's appraiser charged, and I have no real doubt that Mr. Dean, appointed by the debtor, will charge that amount or more. (Mr. Dean is a senior partner in Heard, McElroy and Vestal.)

If the Ex Parte Motion to Fix Appraisers' Fees looks acceptable, I will sign it, mail a copy to the lawyers for the debtor, and have the original delivered to you. That will enable you to process it through and get the Court to sign the order before we run up toward the last minute.

Thank you very much for your time and diligence.

Letter dated October 12, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy

Letter dated October 12, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy with Oath of Appraiser and Appraisal Sheet.

E-mail dated October 12, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy

October 10, 2018, Curtis R. Shelton had a telephone conference from a person in the Sheriff's office (possibly Ms. Kimberly D. Flournoy) in which the Sheriff's office indicated that it might need for a third appraiser candidate to be identified.

Letter dated October 3, 2018, from Ms. Kimberly D. Flournoy to Curtis R. Shelton

Letter dated September 21, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy with Notice to Appoint Appraiser.

Letter dated September 21, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy with approval of advertisement.

E-mail dated September 17, 2018, from Ms. Kimberly D. Flournoy to Curtis R. Shelton.

E-mails dated September 14, 2018, from Ms. Kimberly D. Flournoy to Curtis R. Shelton.

Facsimile dated September 14, 2018, from Ms. Kimberly D. Flournoy to Curtis R. Shelton.

E-mail dated September 6, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy.

E-mail dated September 6, 2018, from Ms. Kimberly D. Flournoy to Curtis R. Shelton.

Letter dated September 5, 2018, from Curtis R. Shelton to Ms. Kimberly D. Flournoy with costs deposit check.

Letter dated July 5, 2018, from Ms. Kimberly D. Flournoy to Curtis R. Shelton.

Telephone conference on June 12, 2018, with sheriff's office re seizure of note.

Information concerning when and with whom such communications occurred, as well as identifying any documents reflecting such communications, is contained in the documents produced herein by the Sheriff as BSO 001 through BSO 057. Any e-mails not contained in BSO 001 through BSO 057 will be produced.

Interrogatory No. 3:

Identify and describe any communications between you, including your representatives or legal counsel, or any one of them, and Chad Garland, including his representatives or staff, which relate, refer, or pertain to Lucky I, Lucky II, the Note, the Sheriff Sale, and/or the Property, including the identification of when, and with whom such communications occurred, as well as identifying any documents reflecting such communications.

Answer to Interrogatory No. 3:

Such communications are contained in the documents produced by Chad M. Garland and labeled as Garland 001 through Garland 216. Those documents are designated in answer to this interrogatory.

AND

A portion of Lot 22, PECAN GROVE SUBDIVISION, UNIT 2-A, a subdivision of Bossier Parish, Louisiana as per plat thereof recorded in Volume 1207 at Pages 14-17 of the Conveyance Records of Bossier Parish, Louisiana, said portion being more fully described as follows, Beginning at a found ½" diameter iron pipe being the Northeast corner of said Lot 22, thence run South 49 degrees 48 minutes 45 seconds East along the East line of Lot 22, a distance of 504.55 feet to a set ½" diameter iron pipe; thence run South 59 degrees 32 minutes 16 seconds West a distance of 234.24 feet to a set ½" diameter iron pipe on the West line of Lot 22, thence run North 43 degrees 31 minutes 58 seconds, West along the West line of Lot 22, a distance of 475.04 feet to a found 1/2" diameter iron pipe being the South right-of-way line of Longhorn Drive; thence run North 55 degrees, 10 minutes 28 seconds East along the South right-of-way line of Longhorn Drive, a distance of 175.00 feet to the Point of Beginning, said tract containing 2.2232 acres, together with all buildings and improvements located thereon, having a municipal address of 264 Longhorn Drive, Bossier City, Louisiana 71112, together with a Manufactured Home more fully described as 2002 Southern Lifestyle Quality, 31' X 76' Manufactured/Modular Home, Bearing Serial #DSLAL42889 A/B, HUD Numbers: #NTA 1136976 & NTA 1136977;

AND

Lot 3, CAN BEND COUNTRY ESTATES, UNIT 1, a subdivision of Bossier Parish, Louisiana as per plat thereof recorded in Volume 598, at Page 601, of the Conveyance Records of Bossier Parish, Louisiana, together with all buildings and improvements located thereon;

- VIII. for reasonable damages;
- IX. Reserving plaintiff's rights and remedies against all persons who participated in the aforementioned acts but who have not yet been named defendants herein;
- X. For all costs of these proceedings;
- XI. For judicial interest from date of judicial demand until paid in full; and
- XII. For full general and equitable relief.

REQUESTS FOR PRODUCTION

Request for Production No. 1:

Produce all documents identified in your response to Interrogatory No. 1.

Response to Request for Production No. 1:

Documents that contain communications that are not subject to the privileges asserted in the answer to interrogatory number 1 are produced herewith.

Request for Production No. 2:

Produce all documents identified in your response to Interrogatory No. 2.

Response to Request for Production No. 2:

The documents produced herein by the Sheriff as BSO 001 through BSO 057, along with any e-mails that may not be contained in BSO 001 through BSO 057 will be produced herewith.

Request for Production No. 3:

Produce all documents identified in your response to Interrogatory No. 3.

Response to Request for Production No. 3:

The documents produced herein as Garland 001 through Garland 216, along with any documents that may not be contained therein will be produced herewith.

Request for Production No. 4:

Produce all documents identified in your response to Interrogatory No. 4.

Response to Request for Production No. 4:

The documents produced herein as Lacour 001 through Lacour 385 will be produced herewith.

Request for Production No. 5:

Produce all documents identified in your response to Interrogatory No. 5.

WHEREFORE, W.A. LUCKY, III PRAYS that the foregoing be deemed sufficient.

AYRES, SHELTON, WILLIAMS,
BENSON & PAINE, LLC

By: /s/ Curtis R. Shelton
Curtis R. Shelton
La. Bar Roll No. 17137
333 Texas Street, Suite 1400 (71101)
P. O. Box 1764
Shreveport, LA 71166
Telephone: (318) 227-3306
Facsimile: (318) 227-3806
Email: curtisshelton@arklatexlaw.com

ATTORNEYS FOR W.A. LUCKY, III

VERIFICATION

I, W.A. LUCKY, III, hereby declare under penalty of perjury that I have read the above and foregoing answers to interrogatories, and that they are true and correct to the best of my knowledge, information, and belief.

Executed on September 16th, 2019.

/s/ W.A. LUCKY, III
W.A. LUCKY, III

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has been served upon each of the following by e-mail:

Mr. J. Davis Powell at dpowell@davidsonsummers.com

Mr. Randy Davidson at rsdav@davidsonsummers.com

Mr. Drew Martin at dmartin@davidsonsummers.com

Mr. David M. Touchstone at dmtouchstone@firstcommercetitle.com

Mr. Dylan Touchstone at dtouchstone@firstcommercetitle.com

Mr. Glenn L. Langley at glangley@lphmlaw.com

and that a copy thereof has been placed in the United States mail addressed as follows with adequate first-class postage affixed thereon:

Mr. James Davis Powell
Davidson Summers
330 Marshall St., Suite 1114
Shreveport LA 71101.

Shreveport, Louisiana, this 16th day of September, 2019.

Curtis R. Shelton
OF COUNSEL

Curtis R. Shelton

From: Patrick Lacour, CIA, CVA <patrick@whitehalladvisors.net>
Sent: Friday, October 19, 2018 6:53 AM
To: Curtis R. Shelton
Subject: Re: Ex Parte Motion to Fix Appraisers' Fees

EventId: 3cd136fb-d648-458c-838f-6aae049a31c3
MatterId: A5A8F226-E2C3-4604-9646-A7E9E2A48BD2

Curtis,

I could have an estimate of fair market value completed by noon Tuesday, if not sooner. I have read through the file and will need to confirm a few facts with you before then, so a call on Monday would be beneficial. I can make it to the Sheriff's office in Benton - does that need to be today or Monday or Tuesday?

Patrick Lacour, CIA, CVA
Whitehall Advisors
318-769-9711

On Thu, Oct 18, 2018 at 10:43 PM Curtis R. Shelton <CurtisShelton@arklatexlaw.com> wrote:
Patrick,

Looks like you're on deck. When do you think you can get an appraisal done? Can you actually go by the Sheriff's office in Benton? You will be paid for all your time and expenses. I am working for them to understand that your appraisal for the Sheriff would be timely on Monday or Tuesday.

Curtis R. Shelton
14th Floor Regions Tower, 333 Texas Street (71101)
P.O. Box 1764
Shreveport, LA 71166
(318) 227-3306
Cell: (318) 470-9010

Begin forwarded message:

From: Kim Flournoy <kflournoy@bossiersheriff.com>
Date: October 18, 2018 at 3:04:04 PM CDT
To: "curtissshelton@arklatexlaw.com" <curtissshelton@arklatexlaw.com>
Subject: Ex Parte Motion to Fix Appraisers' Fees

Mr. Shelton, I have the Sheriff's signature on the Ex Parte Motion to Fix Appraisers' Fees. Would you like a runner to pick up to file with the Clerks office? Also, is Mr. Lacour going to be able to come by tomorrow and sign the Appraiser form? We need to have it ASAP. Thank you so much for your help!

Kimberly Flournoy

Bossier Sheriff's Office

(318) 935-2032 Phone

(318) 965-3448 Fax

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